

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 7:08-CR-127-1(BO)

UNITED STATES OF AMERICA,)
)
 v.)
)
 JOSE MIGUEL-MENDOZA)
)
 _____)

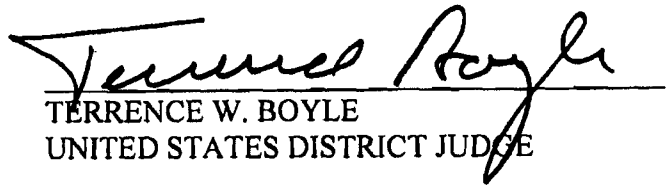
ORDER

This matter is before the Court on Defendant's Motion for Production of Documents under 28 U.S.C. § 754(f). For the reasons stated herein, Defendant's Motion is DENIED.

The Defendant requested copies of his entire court file to obtain relief under Fed. R. Crim. Pr. 33 and 28 U.S.C. § 2255. To obtain these documents, Defendant must demonstrate that copies of his court file are necessary for him to properly seek this relief. Yet the Defendant has no basis for a new trial under Fed. R. Crim. Pr. 33 as he pleaded guilty, and the Defendant also has no basis for relief under § 2255 as such relief expired on September 15, 2010, one year from the date judgment was entered. The Defendant has thus not demonstrated copies of his court files are necessary for any claim.

Even if such relief were still available, the Defendant has not shown that access to court files are necessary for him to request relief based on ineffective assistance of counsel and the other issues he listed in his Motion.

SO ORDERED, this 15 day of September, 2010.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE